

**Board of Towing and Recovery Operators
May 25, 2010, 10:00 am
Department of State Police
Police Academy Room 317
7700 Midlothian Turnpike, Richmond, VA**

Members Present:

Colonel Steven Flaherty – Chairman
Adan F. Rangel, Jr.
Charles Brown
Mark Sawyers
Captain Raymond Gill
Randy Seibert
Gary Teter
Brock Cole – Designee of the
Commissioner of the Department of
Motor Vehicles

Ron Miner
Woody Herring
Kenneth Mitchell
Archie Orr
Tony Troilo
P. Dale Bennett

Andres Alvarez – Designee of the Virginia
Department of Agriculture and Consumer
Services

Members Absent:

Roy Boswell
Scott Wyatt

Board Counsel:

Jeff Spencer

Staff Present:

Marc Copeland
Barbara Drudge
Kara Corso

Meeting Called to Order:

The meeting was called to order at 10:06 am.

Public Comments:

Ray Drumheller, president of VATRO, stated that while at a Virginia Department of Transportation meeting, a police officer from Rockingham County remarked on his struggles with enforcing the BTRO regulations since they were not in Virginia Code, but later realized that they were. Mr. Drumheller pointed out that this demonstrates the possibility that many law enforcement officers may not be enforcing the regulations for

this reason. Additionally, Mr. Drumheller referenced issues with the inclusion of “machinery and tools” in the BTRO regulations, and that it was his understanding that this was not to be regulated.

Acceptance of Meeting Minutes:

Mr. Copeland explained that Mr. Cole submitted non-substantive changes to the draft minutes and asked Mr. Cole to confirm same. Mr. Cole confirmed that the changes were grammatical stylistic changes only.

Chairman Flaherty requested a motion to approve the March 17, 2010 Board meeting minutes. Mr. Brown moved to adopt the minutes as amended by Mr. Cole. Mr. Alvarez seconded the motion. The motion passed unanimously.

Executive Director’s Report:

Mr. Copeland reviewed the status of the renewal process. He outlined the issues that operators and drivers appear to be having with their renewal applications. Among these issues are fee shortages related to the assigned extension, lack of required attachments, and inadequate insurance coverage. He indicated that applications received where the insurance appears to be inadequate will be processed, but followed-up on later to gain compliance. Mr. Copeland informed the Board that since January of this year, nearly 600 new driver authorization documents have been issued.

Mr. Herring expressed his concern for drivers procrastinating on sending in their renewal applications. Mr. Copeland offered to send out reminders to notify applicants of the June 30th expiration. He also indicated that BTRO has updated and sent out the staggered licenses that were issued after July 1, 2009, and plans to send out renewal notices for those licenses beginning on June 1, 2010.

Mr. Copeland showed the decal redesign which displays the month and day of expiration. He explained that this was phase 1 of the decal redesign. The second phase will change the color of the decal and attempt to meet the IFTA requirements for decal quality. Mr. Copeland told the Board he plans to present his findings at the next Board meeting. He added that whatever decal option is decided, it needs to be configured with the licensing software.

Mr. Mitchell expressed his concern that the decals will not prominently display the “Class A” or “Class B” license types, and that the colors needed to be changed. Mr. Copeland explained that there were serious time constraints, and that BTRO needed to utilize the rest of the yellow sticker stock. He added that law enforcement approved the design details. Mr. Mitchell further expressed his concerns that BTRO does not need to follow the Procurement Act. Mr. Copeland confirmed that BTRO does have to comply with the Procurement Act pursuant to the Memorandum of Understanding (MOU) with DMV. Mr. Orr suggested using a clear plastic coating on the decals to protect them from wear and tear, similar to the ones utilized on boats.

Mr. Copeland highlighted the need for statutory/regulatory changes and proposed entering into a process to work with members and counsel to do so. Mr. Brown suggested having a list of items that need attention compiled and submitted to the Licensing and Regulatory Affairs Committee for review. Chairman Flaherty suggested recommendations from Board members be submitted to Mr. Copeland by June 15, 2010.

Mr. Copeland reviewed BTRO office safety issues, which included several robberies occurring within close proximity of the office and problems with the entrance door to the office. He also mentioned a Richmond Police report indicating a 100% increase of violent crimes in that particular area of Richmond. The landlord refuses to provide any substantive safety measures; however, the lease states an obligation to provide safety to the tenants. Chairman Flaherty asked that BTRO explore the options for lease termination and or security measures and return to the Board with those suggestions.

Mr. Copeland announced that another full-time employee was included in the Budget Bill, and that he would like approval from the Board to begin the hiring process. He also indicated his desire to begin looking at hiring part-time compliance officers situated around the state.

Chairman Flaherty requested a motion and Mr. Brown moved that BTRO proceed with the hiring of a full-time employee and part-time compliance officers, Mr. Troilo seconded the motion and the motion passed unanimously.

Mr. Alvarez suggested reviewing the details of the positions prior to approving them. Mr. Brown withdrew his motion, and Mr. Seibert agreed with Mr. Alvarez. Mr. Alvarez moved that staff provide a position analysis of the new hires and present it at the next full Board meeting. Mr. Seibert seconded the motion and it passed unanimously.

Mr. Bennett suggested that the Board review breaking the BTRO office's lease and inquired about their options to do so.

Mr. Copeland responded that the lease options are not yet known.

Mr. Miner commented that due to the safety issues at hand, he would like to see BTRO get out of the lease as well as get the entrance door repaired. Chairman Flaherty added that the Department of General Services would need to be consulted about lease options.

Joint Compliance and Consumer Affairs and Administrative Affairs Committee Report:

Mr. Herring stated that the Joint Committees met on April 29, 2010, and that counsel suggested making changes to the previous policies and procedures because they appeared to limit the discretion of the Board.

Mr. Bennett moved to adopt the compliance policies and procedures as presented. Mr. Mitchell seconded the motion; it passed unanimously.

Discussions/Other Board Actions:

Mr. Brown stated he would like to see a quarterly newsletter distributed to the licensed operators to notify them of BTRO updates and to be included in the duties of the new full-time administrative position.

Mr. Herring asked if there was a way to remind the operators that their drivers were expiring and Mr. Copeland stated that sending out reminders to them would be a good idea.

Mr. Sawyers asked about the website updates for valid credentials. Mr. Copeland stated that March 30, 2010, was the last update made to the website due to the staggering of the licenses and the way System Automation implemented that change. Because of those actions the data does not currently reflect actual validity.

Mr. Rangel presented a letter from AAA of Tidewater urging the Board to move forward in establishing a temporary driver authorization document. The letter pointed out suggestions for establishing a temporary driver authorization process. Chairman Flaherty asked Mr. Teter about the status of the temporary driver authorization process. In response, Mr. Teter stated that he has been in discussions with Mr. Copeland and that he plans to have a meeting as soon as the renewals are out of the way.

Mr. Copeland stated that a draft of notice of intended regulatory action, which is a phase of the Administrative Process Act, has been in progress for this process and that he anticipates having this available by the end of June and then in July or August a meeting could be planned. However, this could be included with the process for statutory/regulatory cleanup. Chairman Flaherty suggested that AAA of Tidewater put together a draft proposal to be forwarded to the Board to help expedite the process. Mr. Teter added that the approval process for driver authorization documents has improved and that he received a driver authorization document within three weeks of application.

Mr. Spencer commented that in order to move forward in approving the issuance of temporary driver authorization documents, a public hearing must be held unless there is an emergency situation and that this would not qualify as so. Mr. Bennett asked about a fast track (regulatory process), and Mr. Spencer said that this situation would not qualify as so.

Additional Public Comments:

Terry Wood stated that he would like BTRO to implement a towing complaint tip-line because Ms. Drudge's voicemail message is lengthy. He added that he wants temporary driver documents to be issued, and that the State Corporation Commission has temporary licenses, and suggested that the Board look at their process.

Ralph Wilcher, of AAA Mid-Atlantic, stated that he is for the issuance of temporary driver authorization documents.

Other Business:

The Board presented Mr. Orr a certificate of appreciation for his service to the Board.

Next Meeting:

Mr. Copeland suggested that the next meeting be scheduled in August. Chairman Flaherty stated that he preferred a date in mid to late August.

Adjournment:

Mr. Mitchell moved to adjourn, Mr. Troilo seconded. The motion passed unanimously. The meeting adjourned at 11:18 am.